

**REMARKS/ARGUMENTS**

Claims 1, 4-12, 14, 15, 18 and 19-24 are pending in this application. By this Amendment, claim 1, 9, 12 and 14 are amended, and claims 20-24 are added.

The Examiner is thanked for the courtesies extended to Applicant's representative during the interview conducted on January 15, 2008. The substance of the interview, including any agreements reached, is reflected in the above amendments and the following remarks. Withdrawal of the rejections is respectfully requested.

**I. Rejections Under 35 U.S.C. §103(a)**

The Office Action rejects claims 1, 4-8, 10-12, 18 and 19 under 35 U.S.C. §103(a) over U.S. Patent Publication No. 2003/0034052 to Kiesler et al. (hereinafter "Kiesler"), in view of U.S. Patent No. 3,297,163 to Landon. The rejection is respectfully traversed.

Independent claim 1 is directed to a filter assembly for a dishwasher. The filter assembly includes a plurality of concentrically nested filters varying in size in a radial direction. The filter assembly also includes at least one stationary cleaning nozzle provided at a predetermined position adjacent an outer circumference of the filter assembly facing the outermost filter of the plurality of concentrically aligned filters. The at least one cleaning nozzle is fixed to a portion of the sump proximate the filter assembly so as to be in communication with a water circulating means, and is configured to spray pressurized water supplied by said water circulating means into the filter assembly. Independent claim 12 recites similar features in varying scope. As acknowledged in the Office Action, and as agreed during the interview, Kiesler neither discloses nor suggests each of the features of independent claims 1 and 12, or the respective claimed combinations of features.

More specifically, Kiesler discloses a dishwasher 100 having a first coarse filter 182 that filters large particles out of wash water before entering a tub sump 142 and sump 150, a second coarse filter 183 that filters particles from water flowing directly into the sump 150, and a fine filter 190 that filters recirculated water before it is supplied to spray arms 144 and 148. The filters 182, 183 and 190 disclosed by Kiesler are deliberately positioned within the fluid circulation system of the dishwasher 100 to filter particles from water passing therethrough at particular points in the flow path. Kiesler neither discloses nor suggests that the filters 182, 183 and 190 are concentrically nested, nor that they vary in size in a radial direction, nor that an outermost of these filters 182, 183 and 190 has the smallest holes, as recited in independent claims 1 and 12. Additionally, Kiesler neither discloses nor suggests any type of cleaning nozzle, let alone a cleaning nozzle as specifically recited in independent claims 1 and 12. Further, Landon fails to overcome the deficiencies of Kiesler.

Landon discloses a filter-skimmer device for a swimming pool that allows a permanently installed filter to be cleaned by manual rotation thereof, without removal from its installation. The device 10 includes a filter 20 having a plurality of discs 20b stacked along a core 20a installed in a tank 13. To clean the filter 20, a user removes a top cover 17 and a leaf basket 19, and attaches a crank to a mandrel 25 to manually rotate the core 20a and discs 20b attached thereto as water is forced out through openings 36a in a jet manifold 36. Thus, the filter 20 requires a change in the operation mode of the device 10 and manual rotation of the filter 20 to allow the discs 20b to be cleaned by the jet manifold 36.

Applicant maintains the position set forth in the interview that Landon is non-analogous art. As discussed during the interview, operational requirements of a dishwasher, such as, for

example, water flow, distribution, purification, recirculation and capacity requirements, are significantly different from those of a swimming pool. The manual operation required by Landon's device 10 to achieve filter cleaning would not be possible for a typical dishwasher, and thus one of ordinary skill in the dishwasher art would not have looked to a filter-skimmer device for a swimming pool when developing improvements to a water circulation system for a dishwasher. For at least this reason, it is respectfully submitted that the rejection should be withdrawn.

Further, as discussed during the interview, there would have been no motivation to combine Landon's filter 20 with Kiesler's dishwasher, nor would there have been a reasonable expectation of success for such a combination. Because the filters 182, 183, 190 disclosed by Kiesler are very deliberately positioned within the flow path, modifying Kiesler's dishwasher to accommodate a series of sequentially stacked filters contained within a single enclosed tank (such as the Landon's device) would require a complete redesign of the flow of water through the dishwasher, including the positioning of the various pumps, supply lines and drain lines, and would likely result in a less efficient and effective cycle. However, even if Kiesler's dishwasher could reasonably be so modified, such a modification would likely destroy the functionality of Kiesler's dishwasher as originally intended. That is, the manual rotation required for the jet manifold 36 to clean the discs 20b in Landon's filter 20 could not reasonably be accomplished in a dishwasher while the dishwasher operates. For all of these reasons, it is respectfully submitted that there would have been no motivation to modify Kiesler's dishwasher to include a filter 20 and jet manifold 36 as disclosed by Landon. For these additional reasons, it is respectfully

submitted that Landon cannot be combined with Kiesler, and that the rejection should be withdrawn.

However, even if Kiesler and Landon are improperly combined, Landon still fails to overcome the deficiencies of Kiesler as set forth above with respect to the claimed plurality of concentrically nested filters and stationary cleaning nozzle. As agreed during the interview, the discs 20b are sequentially stacked along the core 20a, and are not concentrically nested, nor do they vary in size in a radial direction. Further, the jet manifold 36 disclosed by Landon is necessarily positioned within the tank 13. Therefore, the jet manifold 36 (compared in the Office Action to the claimed stationary cleaning nozzle) necessarily cannot be fixed to any portion of a sump within a dishwasher. Thus, Landon neither discloses nor suggests a plurality of concentrically nested filters, nor a cleaning nozzle that faces the outermost of such a plurality of filters, as recited in independent claims 1 and 12.

For all of the above reasons, it is respectfully submitted that the combination is improper, and further that independent claims 1 and 12 are allowable over even the improper combination. Dependent claims 4-8, 10, 11, 18 and 19 are allowable at least for the reasons set forth above with respect to independent claims 1 and 12, from which they respectively depend, as well as for their added features. Withdrawal of the rejection is respectfully requested.

The Office Action rejects claims 9, 14 and 15 under 35 U.S.C. §103(a) over Kiesler and Landon, and further in view of U.S. Patent No. 2,392,901 to Brown. The rejection is respectfully traversed.

Dependent claims 9, 14 and 15 are allowable over Kiesler and Landon at least for the reasons set forth above with respect to independent claims 1 and 12, from which they

respectively depend, as well as for their added features. Further, Brown is merely cited as allegedly teaching a concentric arrangement of filters, and thus fails to overcome the deficiencies of Kiesler and Landon.

Brown discloses an oil reclaiming device 1 including an oil filter 9 positioned within a receptacle 2. The receptacle 2 includes inner wall 3 and an outer wall 4 separated by insulating material 5 (see column 1, line 58 – column 2, line 2 of Brown). As clearly shown in Figure 1 of Brown, the filter 9 is a single filter disposed within the confines of the receptacle. The inner and outer walls 3 and 4 (compared in the Office Action to the claimed plurality of concentrically aligned filters) form the structure of the receptacle 2, and are not in any way related to the filter 9, nor do they perform any type of filtering operation. Thus, Brown neither discloses nor suggests a plurality of concentrically nested filters, let alone filters as specifically recited in claims 9, 14 and 15.

Further, it is respectfully submitted that one of ordinary skill in the art would not have been motivated to combine features of Brown into the Kiesler dishwasher to arrive at a device as recited in claims 9, 14 and 15. As noted above, Brown requires the filter 9 to be mounted within the receptacle 2. One of skill in the art would not have incorporated this large complicated structure into the Kiesler dishwasher for the same reasons given above for why one would not incorporate the Landon filter into the Kiesler dishwasher.

Moreover, even if one were to make such a combination, it is not clear how a stationary cleaning nozzle could possibly be added to such a structure. The cleaning nozzle would have to be positioned outside the receptacle 2, and the inner and outer walls 3 and 4 of the receptacle 2

would prevent any fluid from such a stationary nozzle from reaching the filter 9. Thus, even the improper combination would fail to satisfy all the features of claim 9, 14 and 15.

For all of the above reasons, it is respectfully submitted that the combination of Kiesler with either Landon or Brown is improper and that claims 9, 14 and 15 are allowable over even the improper combination. Thus the rejection of claims 9, 14 and 15 under 35 U.S.C. §103(a) over Kiesler, Landon and Brown should be withdrawn.

## **II. New Claims 20-24**

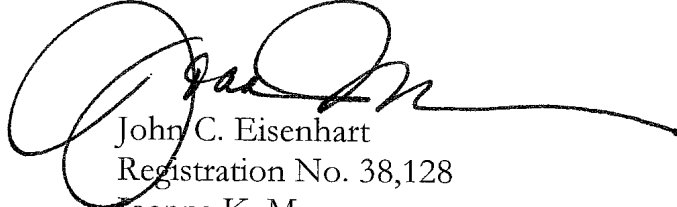
New claims 20-24 are added to the application. It is respectfully submitted that new claims 20-24 meet the requirements of 35 U.S.C. §112, and are allowable at least for the reasons set forth above with respect to independent claims 1 and 12, from which they respectively depend, as well as for their added features.

## **III. Conclusion**

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the **Joanna K. Mason**, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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